

EXHIBIT 1

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

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**PLAINTIFF CHASOM BROWN’S OBJECTIONS AND RESPONSES
TO DEFENDANT’S FIFTH SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rule of Civil Procedure Rule 36, Plaintiff Chasom Brown (“Brown”) hereby objects and responds to Defendant’s, Google LLC (“Google”), Fifth Set of Requests for Admission (Nos. 35–56). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Brown’s knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Brown may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Brown reserves all rights to supplement and amend his objections and responses accordingly.

REQUEST FOR ADMISSION NO. 35:

Admit that YOUR counsel Boies Schiller Flexner maintain a website (<https://www.bsflp.com>) on which they have installed ANALYTICS TRACKING CODE.

RESPONSE TO REQUEST FOR ADMISSION NO. 35:

Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule 36(a)(1); whether or not Plaintiff’s counsel maintain a website on which “Analytics Tracking Code” is installed has no effect on this litigation. Based on the foregoing, Plaintiff believes this

1 Request is improper and will not admit or deny the Request, but is willing to meet and confer with
2 Google's counsel to further discuss this Request.

3 **REQUEST FOR ADMISSION NO. 36:**

4 Admit that YOUR counsel Boies Schiller Flexner maintain a website
5 (<https://www.bsflp.com/>) on which they have installed the GOOGLE TAG MANAGER CODE.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 36:**

7 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
8 36(a)(1); whether or not Plaintiff's counsel maintain a website on which "Google Tag Manager
9 Code" is installed has no effect on this litigation. Based on the foregoing, Plaintiff believes this
10 Request is improper and will not admit or deny the Request, but is willing to meet and confer with
11 Google's counsel to further discuss this Request.

12 **REQUEST FOR ADMISSION NO. 37:**

13 Admit that YOUR counsel Boies Schiller Flexner maintain a website
14 (<https://www.bsflp.com/>) on which they have installed GOOGLE FONTS.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 37:**

16 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
17 36(a)(1); whether or not Plaintiff's counsel maintain a website on which "Google Fonts" is
18 installed has no effect on this litigation. Based on the foregoing, Plaintiff believes this Request is
19 improper and will not admit or deny the Request, but is willing to meet and confer with Google's
20 counsel to further discuss this Request.

21 **REQUEST FOR ADMISSION NO. 38:**

22 Admit that YOUR counsel Boies Schiller Flexner's website does not require users to
23 expressly consent to the collection of user data through GOOGLE SERVICES.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 38:**

25 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
26 36(a)(1); whether or not Plaintiff's counsel maintain a website requiring or not requiring users to
27 expressly consent to the collection of user data through "Google Services" has no effect on this
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1 litigation. Based on the foregoing, Plaintiff believes this Request is improper and will not admit or
2 deny the Request, but is willing to meet and confer with Google's counsel to further discuss this
3 Request.

4 **REQUEST FOR ADMISSION NO. 39:**

5 Admit that the document attached as Exhibit A is the privacy policy for the website
6 operated by YOUR counsel Boies Schiller Flexner.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 39:**

8 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
9 36(a)(1); any privacy policy for the website operated by Boies Schiller Flexner is not at issue in
10 this litigation. Based on the foregoing, Plaintiff believes this Request is improper and will not
11 respond, but is willing to meet and confer with Google's counsel to further discuss this Request.

12 **REQUEST FOR ADMISSION NO. 40:**

13 Admit that, other than providing a link to the privacy policy, YOUR counsel Boies Schiller
14 Flexner's website does not prompt users to review the privacy policy.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 40:**

16 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
17 36(a)(1); whether or not Plaintiff's counsel maintain a website prompting or not prompting users
18 to review a privacy policy has no effect on this litigation. Based on the foregoing, Plaintiff believes
19 this Request is improper and will not respond, but is willing to meet and confer with Google's
20 counsel to further discuss this Request.

21 **REQUEST FOR ADMISSION NO. 41:**

22 Admit that the privacy policy for the website operated by YOUR counsel Boies Schiller
23 Flexner defines the following categories of information as "Non-personal Information": "internet
24 protocol (IP) address, browser type, the identity of your internet service provider (ISP), the number
25 and duration of page visits, how you were directed to the website, and the number of clicks you
26 make when you use the website."
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RESPONSE TO REQUEST FOR ADMISSION NO. 41:

Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule 36(a)(1); any privacy policy for the website operated by Boies Schiller Flexner is not at issue in this litigation. Based on the foregoing, Plaintiff believes this Request is improper and will not respond, but is willing to meet and confer with Google's counsel to further discuss this Request.

REQUEST FOR ADMISSION NO. 42:

Admit that YOU have visited the website of YOUR counsel Boies Schiller Flexner.

RESPONSE TO REQUEST FOR ADMISSION NO. 42:

Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule 36(a)(1); whether or not Plaintiff has visited the website for Boies Schiller Flexner has no effect on this litigation.

Subject to and notwithstanding this objection, Plaintiff has no specific recollection of whether he has visited Boies Schiller Flexner's website; otherwise denied.

REQUEST FOR ADMISSION NO. 43:

Admit that YOUR counsel Susman Godfrey maintain a website (<https://www.susmangodfrey.com/>) on which they have installed ANALYTICS TRACKING CODE.

RESPONSE TO REQUEST FOR ADMISSION NO. 43:

Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule 36(a)(1); whether or not Plaintiff's counsel maintain a website on which "Analytics Tracking Code" is installed has no effect on this litigation. Based on the foregoing, Plaintiff believes this Request is improper and will not admit or deny the Request, but is willing to meet and confer with Google's counsel to further discuss this Request.

REQUEST FOR ADMISSION NO. 44:

Admit that YOUR counsel Susman Godfrey maintain a website (<https://www.susmangodfrey.com/>) on which they have installed GOOGLE FONTS.

RESPONSE TO REQUEST FOR ADMISSION NO. 44:

Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule 36(a)(1); whether or not Plaintiff's counsel maintain a website on which "Google Fonts" is installed has no effect on this litigation. Based on the foregoing, Plaintiff believes this Request is improper and will not admit or deny the Request, but is willing to meet and confer with Google's counsel to further discuss this Request.

REQUEST FOR ADMISSION NO. 45:

Admit that YOUR counsel Susman Godfrey's website does not require users to expressly consent to the collection of user data through GOOGLE SERVICES.

RESPONSE TO REQUEST FOR ADMISSION NO. 45:

Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule 36(a)(1); whether or not Plaintiff's counsel maintain a website requiring or not requiring users to expressly consent to the collection of user data through "Google Services" has no effect on this litigation. Based on the foregoing, Plaintiff believes this Request is improper and will not admit or deny the Request, but is willing to meet and confer with Google's counsel to further discuss this Request.

REQUEST FOR ADMISSION NO. 46:

Admit that the website operated by YOUR counsel at Susman Godfrey does not maintain a privacy policy or otherwise alert users to the fact that Susman Godfrey's website uses GOOGLE SERVICES.

RESPONSE TO REQUEST FOR ADMISSION NO. 46:

Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule 36(a)(1); whether or not Plaintiff's counsel maintain a privacy policy or otherwise alerts users to any use of Google Services is not at issue in this litigation. Based on the foregoing, Plaintiff believes this Request is improper and will not respond, but is willing to meet and confer with Google's counsel to further discuss this Request.

REQUEST FOR ADMISSION NO. 47:

Admit that YOU have visited the website of YOUR counsel Susman Godfrey.

RESPONSE TO REQUEST FOR ADMISSION NO. 47:

Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule 36(a)(1); whether or not Plaintiff has visited the website for Susman Godfrey has no effect on this litigation.

Subject to and notwithstanding this objection, Plaintiff has no specific recollection of whether he has visited Susman Godfrey's website; otherwise denied.

REQUEST FOR ADMISSION NO. 48:

Admit that YOUR counsel Morgan & Morgan maintain a website (<https://www.forthethepeople.com/>) on which they have installed ANALYTICS TRACKING CODE.

RESPONSE TO REQUEST FOR ADMISSION NO. 48:

Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule 36(a)(1); whether or not Plaintiff's counsel maintain a website on which "Analytics Tracking Code" is installed has no effect on this litigation. Based on the foregoing, Plaintiff believes this Request is improper and will not admit or deny the Request, but is willing to meet and confer with Google's counsel to further discuss this Request.

REQUEST FOR ADMISSION NO. 49:

Admit that YOUR counsel Morgan & Morgan maintain a website (<https://www.forthethepeople.com/>) on which they have installed the GOOGLE TAG MANAGER CODE.

RESPONSE TO REQUEST FOR ADMISSION NO. 49:

Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule 36(a)(1); whether or not Plaintiff's counsel maintain a website on which "Google Tag Manager Code" is installed has no effect on this litigation. Based on the foregoing, Plaintiff believes this

1 Request is improper and will not admit or deny the Request, but is willing to meet and confer with
2 Google's counsel to further discuss this Request.

3 **REQUEST FOR ADMISSION NO. 50:**

4 Admit that YOUR counsel Morgan & Morgan maintain a website
5 (<https://www.forthethepeople.com/>) on which they have installed GOOGLE FONTS.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 50:**

7 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
8 36(a)(1); whether or not Plaintiff's counsel maintain a website on which "Google Fonts" is
9 installed has no effect on this litigation. Based on the foregoing, Plaintiff believes this Request is
10 improper and will not admit or deny the Request, but is willing to meet and confer with Google's
11 counsel to further discuss this Request.

12 **REQUEST FOR ADMISSION NO. 51:**

13 Admit that YOUR counsel Morgan & Morgan maintain a website
14 (<https://www.forthethepeople.com/>) on which they have installed GOOGLE AD MANAGER.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 51:**

16 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
17 36(a)(1); whether or not Plaintiff's counsel maintain a website on which "Google Ad Manager" is
18 installed has no effect on this litigation. Based on the foregoing, Plaintiff believes this Request is
19 improper and will not admit or deny the Request, but is willing to meet and confer with Google's
20 counsel to further discuss this Request.

21 **REQUEST FOR ADMISSION NO. 52:**

22 Admit that YOUR counsel Morgan & Morgan's website does not require users to expressly
23 consent to the collection of user data through GOOGLE SERVICES.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 52:**

25 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
26 36(a)(1); whether or not Plaintiff's counsel maintain a website requiring or not requiring users to
27 expressly consent to the collection of user data through "Google Services" has no effect on this
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1 litigation. Based on the foregoing, Plaintiff believes this Request is improper and will not admit or
2 deny the Request, but is willing to meet and confer with Google's counsel to further discuss this
3 Request.

4 **REQUEST FOR ADMISSION NO. 53:**

5 Admit that the document attached as Exhibit B is the privacy policy for the website
6 operated by YOUR counsel Morgan & Morgan.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 53:**

8 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
9 36(a)(1); any privacy policy for the website operated by Morgan & Morgan is not at issue in this
10 litigation. Based on the foregoing, Plaintiff believes this Request is improper and will not respond,
11 but is willing to meet and confer with Google's counsel to further discuss this Request.

12 **REQUEST FOR ADMISSION NO. 54:**

13 Admit that, other than providing a link to the privacy policy, YOUR counsel Morgan &
14 Morgan's website does not prompt users to review the privacy policy.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 54:**

16 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
17 36(a)(1); whether or not Plaintiff's counsel maintain a website prompting or not prompting users
18 to review a privacy policy has no effect on this litigation. Based on the foregoing, Plaintiff believes
19 this Request is improper and will not respond, but is willing to meet and confer with Google's
20 counsel to further discuss this Request.

21 **REQUEST FOR ADMISSION NO. 55:**

22 Admit that the privacy policy for the website operated by YOUR counsel Morgan &
23 Morgan discloses that Morgan & Morgan uses "third party analytics tools, such as Google
24 Analytics," and provides a link to <http://www.google.com/policies/privacy/partners/>.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 55:**

26 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
27 36(a)(1); whether or not Plaintiff's counsel's privacy policy discloses that Morgan & Morgan uses
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1 “third party analytics tools, such as Google Analytics,” has no effect on this litigation. Based on
2 the foregoing, Plaintiff believes this Request is improper and will not respond, but is willing to
3 meet and confer with Google’s counsel to further discuss this Request.

4 **REQUEST FOR ADMISSION NO. 56:**

5 Admit that YOU have visited the website of YOUR counsel Morgan & Morgan.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 56:**

7 Plaintiff Brown objects to this Request as irrelevant and not within the scope of Rule
8 36(a)(1); whether or not Plaintiff has visited the website for Morgan & Morgan has no effect on
9 this litigation.

10 Subject to and notwithstanding this objection, Plaintiff has no specific recollection of
11 whether he has visited Morgan & Morgan’s website; otherwise denied.
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Dated: October 7, 2021

MORGAN & MORGAN

/s/ John A. Yanchunis

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PROOF OF SERVICE

I, Ryan J. McGee, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On October 7, 2021, I served the following document described as:

Plaintiff's Objections and Responses to Defendant's Fifth Set of Requests for Admission

By electronic mail transmission from rmcgee@forthepeople.com on October 7, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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24 *Attorneys for Defendant*

25 Executed on October 7, 2021, at Tampa, Florida.

26
27 /s/ Ryan J. McGee
28 Ryan J. McGee